

## Los Angeles and Santa Cruz Rivers - Special Case Options

### Scope of the Special Case

- “These designations apply to the Los Angeles River from its origin to the Pacific Ocean, and to the Santa Cruz River from the Mexican Border to the Gila River. These designations mean that EPA will make final decisions concerning the geographic jurisdictional status of these rivers under the Clean Water Act (CWA).” 8/18/08 Q&As
- This determination will consider all relevant bases of jurisdiction including (a)(1), (a)(2), and (a)(5)

### Tasks and Schedules

#### **1. Collect Existing Information on Previous Determinations: (By October)**

- The District has agreed to forward to R9 the underlying data and calculations and is in the midst of compiling the documents in response to FOIAs and Congressional inquiries

#### **2. Issue Partial Decision Ratifying Corps District’s Previous TNW Determinations for Segments a and b of the SCR: (End of September/October)**

*This is an option:*

- a. Would allow routine decisions to proceed on at least 75% of the JDs within the SCR basin (per Region 9 estimate)
- b. Mr. Steven L. Stockton, Director of Civil Works, and Brigadier General John R. McMahon, South Pacific Division Commander, have communicated to Region 9 that they expect EPA could and should reinstate previous determinations on SCR
- c. Assumes information in previous TNW determination appendices is sufficient

#### **3. Collect Information for Remaining Segments of SCR and LAR: (From mid-September to late November)**

- Assemble hydrologic and factual information for sections of SCR and LAR not previously assessed (assuming information adequate for those areas)

**Information Collection** (expected to be necessary for large portions of the Rivers before determinations can be made)

*Options:*

##### **o Formal Request for Public Input (Region 9 preference):**

- Issue (concurrently with ratification of previous determinations) 45 day request to public for factual information on the remaining segments of SCR and LAR
- Information request would be on Region 9 website; sent to outside groups that may have relevant information Request would be very specific, to obtain data from local sources on site-specific information including hydrology, boating use, access, etc. that may not otherwise come to light

##### **o Informal Information Collection:**

- Would use staff or contractor to locate/compile all available information
- Would require informal communication with the States, outside groups that may have relevant information, etc.

#### **b. Obtain Johnson case information: (available by end of November)**

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- Extensive body of information has been developed over the past three years for the Johnson enforcement case
- c. **Site Visit(s) by Region 9 staff:**
  - Collect field data at key locations to increase understanding of geomorphology and hydrology to support determination

4. **Analyze Information:** (October/November)

5. **Prepare Draft Decisions for Internal Review:** (December)

6. **Issue final decision:** (January 2009)